

# BZA Application No. 20867

**1934 35<sup>th</sup> Place, NW  
Stephanie Ajello  
May 3, 2023**

Board of Zoning Adjustment  
District of Columbia  
CASE NO.20867  
EXHIBIT NO.49



# Overview and Requested Relief

- Property is currently improved with an existing legally nonconforming flat (2-unit) building.
- Originally, the Applicant requested use variance and area variance relief to construct the proposed third story addition and deck and stair replacement.
- Given the high burden for a use variance, the Applicant is now opting to change the use of the Building to a single-family dwelling and request special exception relief to change the use of the existing second principal unit on the first floor to an accessory apartment.
- This change of use would allow for the third story addition and rear stair and deck replacement to be approved via special exception.
- The proposed plans have not changed at all since the initial filing, other than a change in description of the use (Flat vs. SFD). The plans presented at the previous hearing are the exact same plans shown today. The size of the addition did not change at all.
- Special Exception Relief required to have an accessory apartment in the R-20 zone (U-253), relief for lot occupancy (70% proposed; 69.8% ex.) and the rear yard (7.7 ft. proposed; 11 ft. existing)



Sullivan & Barros, LLP

# Community Support

The Office of Planning recommends approval

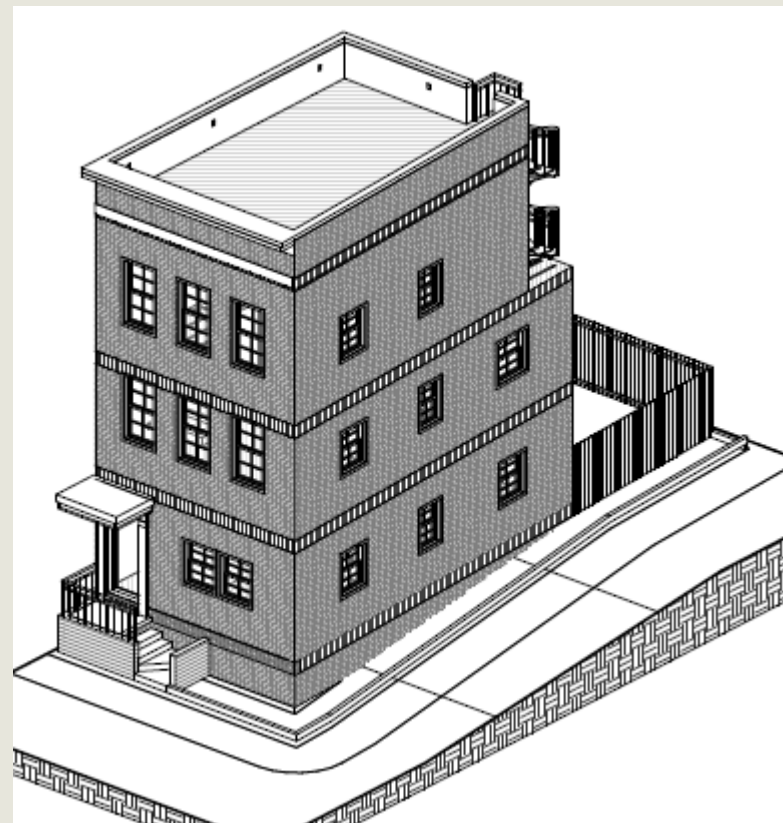
ANC Supports

DDOT has no objection

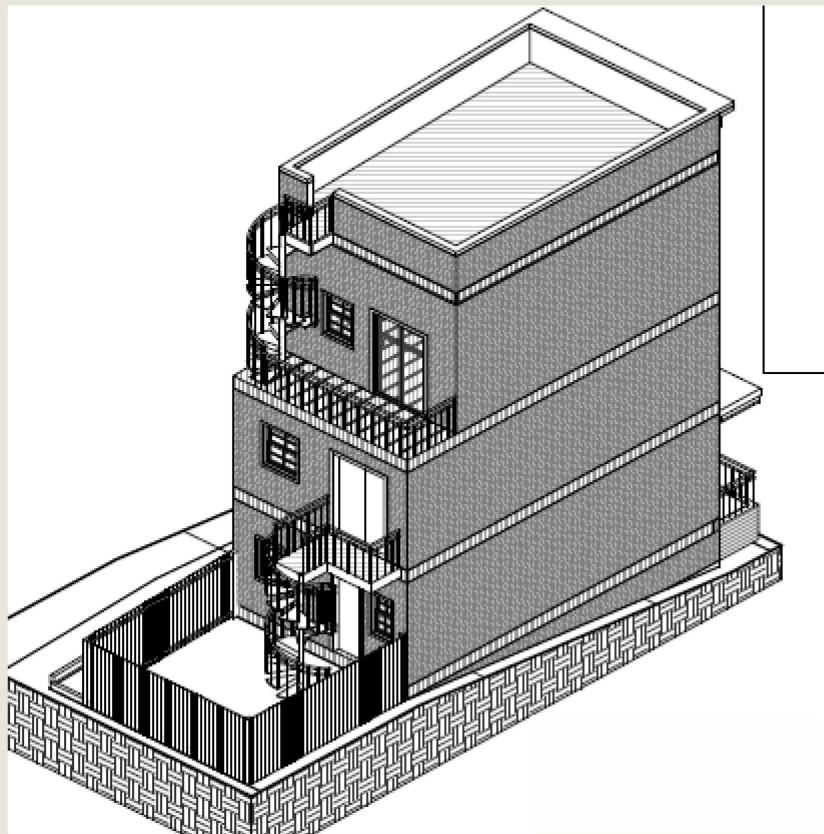
Support from both adjacent neighbors (west and south)

- Neighbor to the south supports in writing (1932 35<sup>th</sup> Place)
- Neighbor to the west, across the alley supports in writing (3526 Whitehaven)









GENERAL NOTES

**G1** THE SCOPE OF THIS PROJECT INVOLVES THE REPAIR OF AN EXISTING DWELLING. THE DRAWINGS ARE PREPARED UTILIZING THE OWNER SUPPLIED RECORD DRAWINGS AND LIMITED FIELD MEASUREMENTS. BY THE SUBMISSION OF A BID, ORDERING MATERIALS, OR COMMENCING THE WORK, CONTRACTOR CONFIRMS THAT THE DIMENSIONS AND QUANTITIES HAVE BEEN FIELD VERIFIED.

**G2** PROVIDE ALL NECESSARY FACILITIES FOR ENVIRONMENTAL PROTECTION OF THE BUILDING'S, THEIR OCCUPANTS, & NEIGHBORING BUILDINGS, FROM DUST, NOISE,VIBRATION, ETC.

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**G4** WATER TEST ALL ASSEMBLIES INCLUDED IN THIS SCOPE OF WORK, INCLUDING DECKS, DOORS, WINDOWS, ETC. NOTIFY ARCHITECT OF THE TEST SCHEDULE NOT LESS THAN TWO (2) WEEKS PRIOR TO THE TEST.

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LEGEND

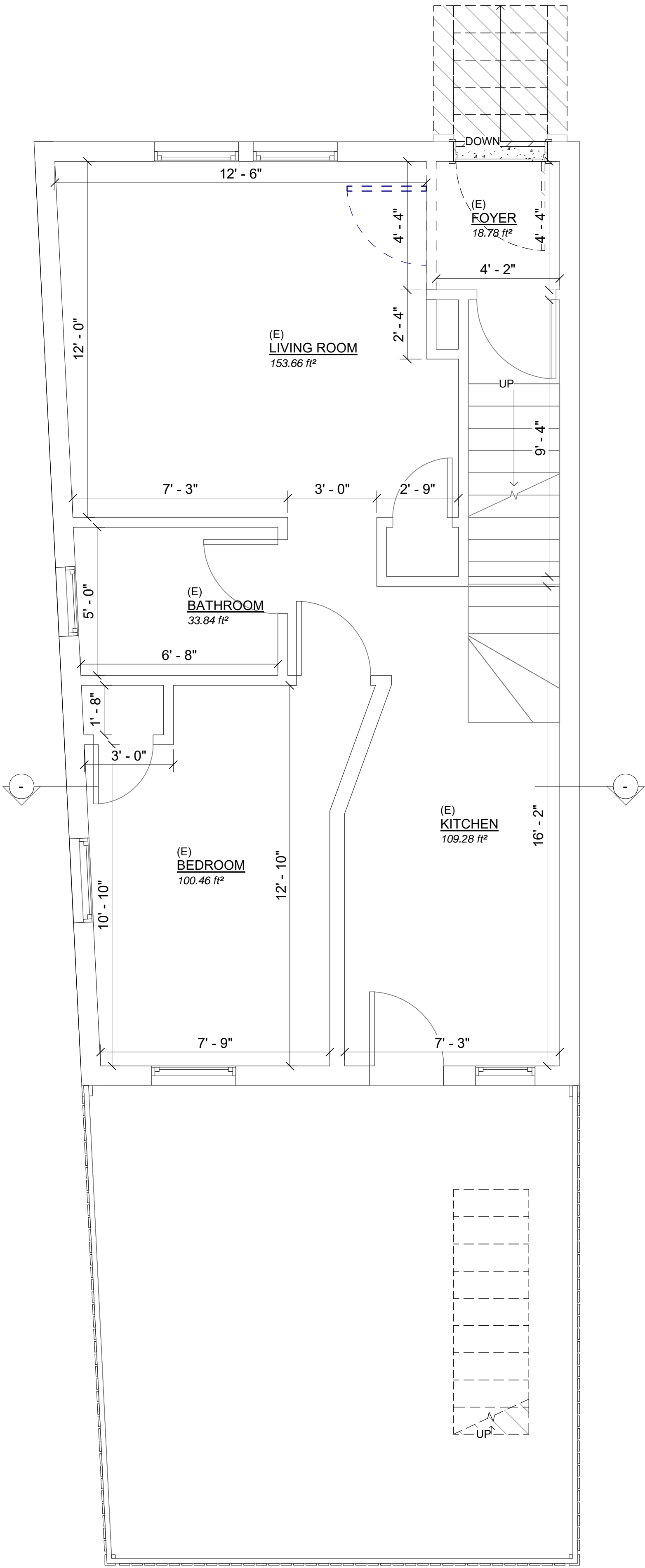
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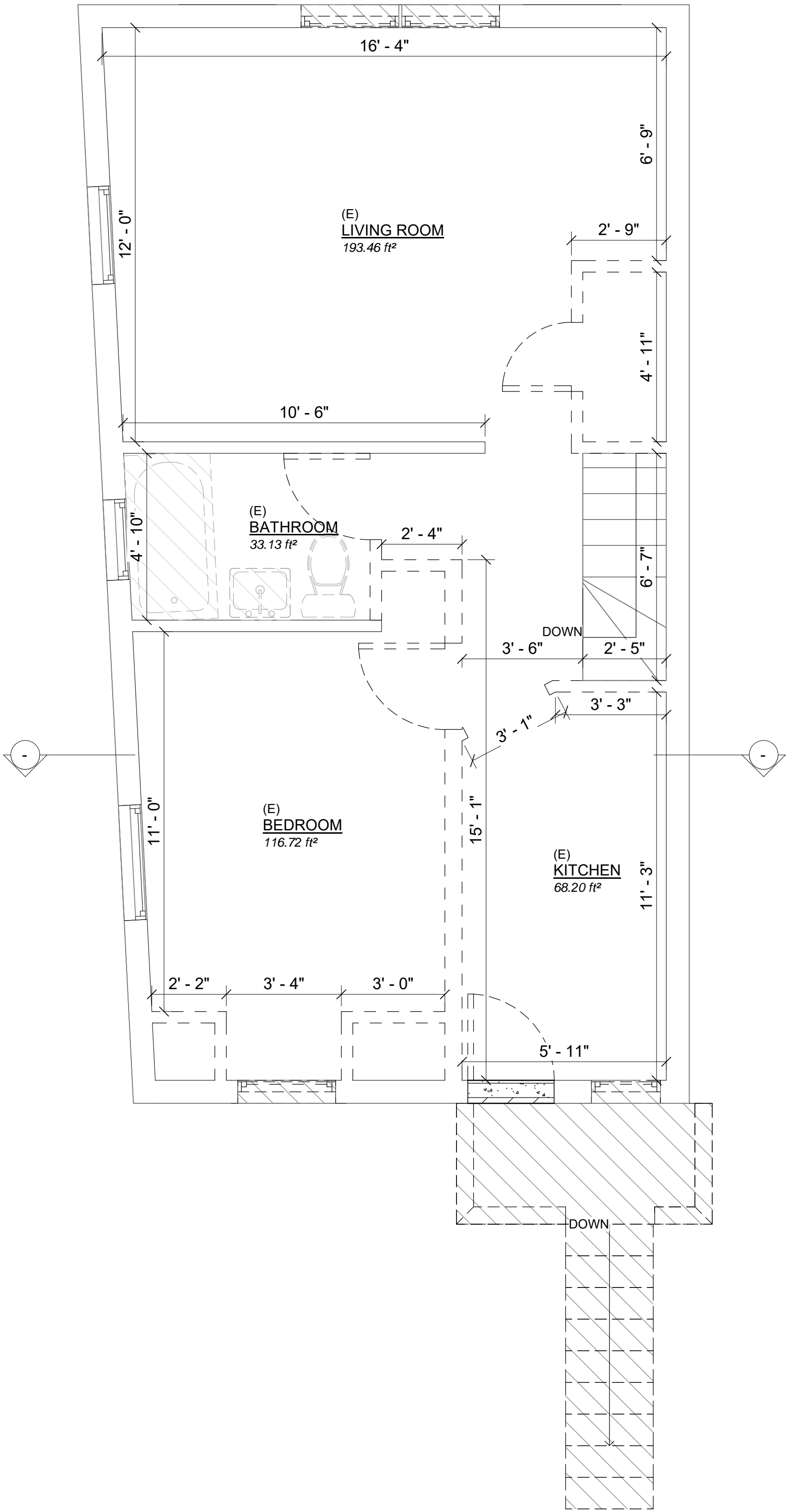
TO BE DEMOLISHED

(E) EXISTING

(N) NEW



1 EP01 - EXISTING FIRST FLOOR PLAN  
3/8" = 1'-0"



2 EP02 - EXISTING SECOND FLOOR PLAN  
3/8" = 1'-0"



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CLIENT:

-

DESIGNER:

JUAN PABLO GARZON

SEAL: VOID  
UNLESS SIGNED:

PROJECT:

1934 35TH PL NW  
WASHINGTON DC

DRAWING TITLE:

EXISTING FLOOR  
PLANS

RELEASE DATE:

06/08/22

REVISIONS:

N.º	DATE	DESCRIPTION

SCALE:

SHEET:

AE100



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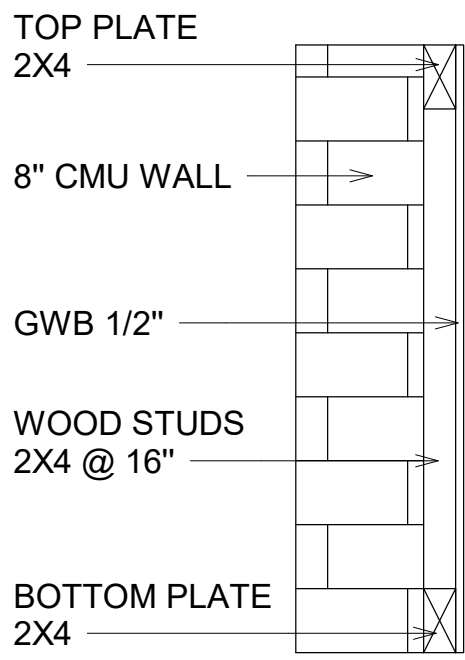
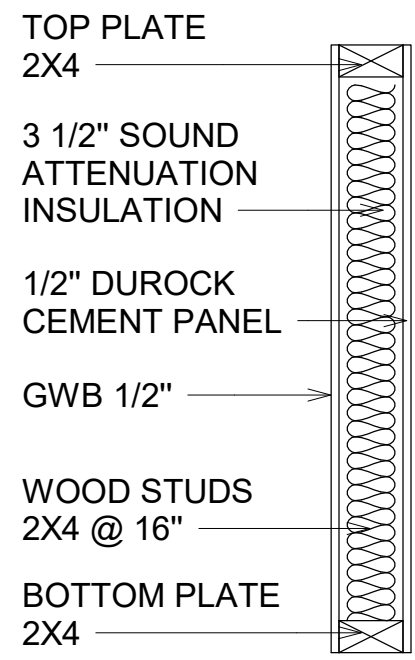
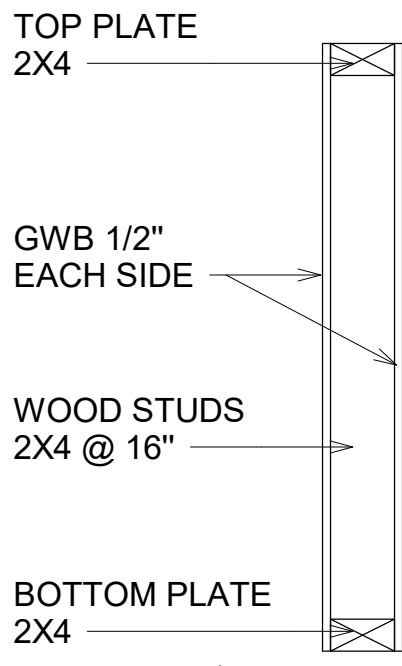
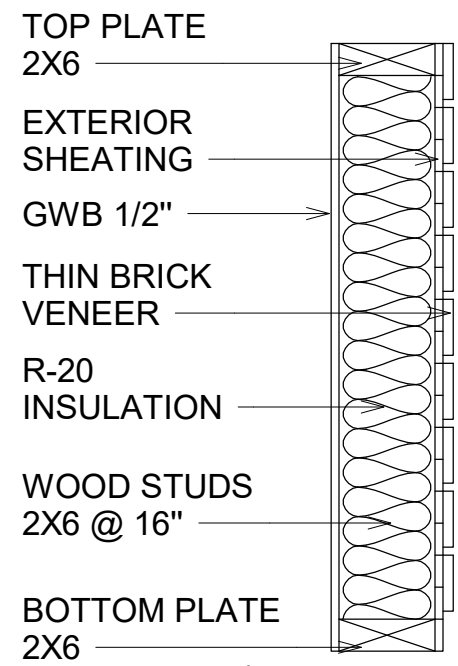
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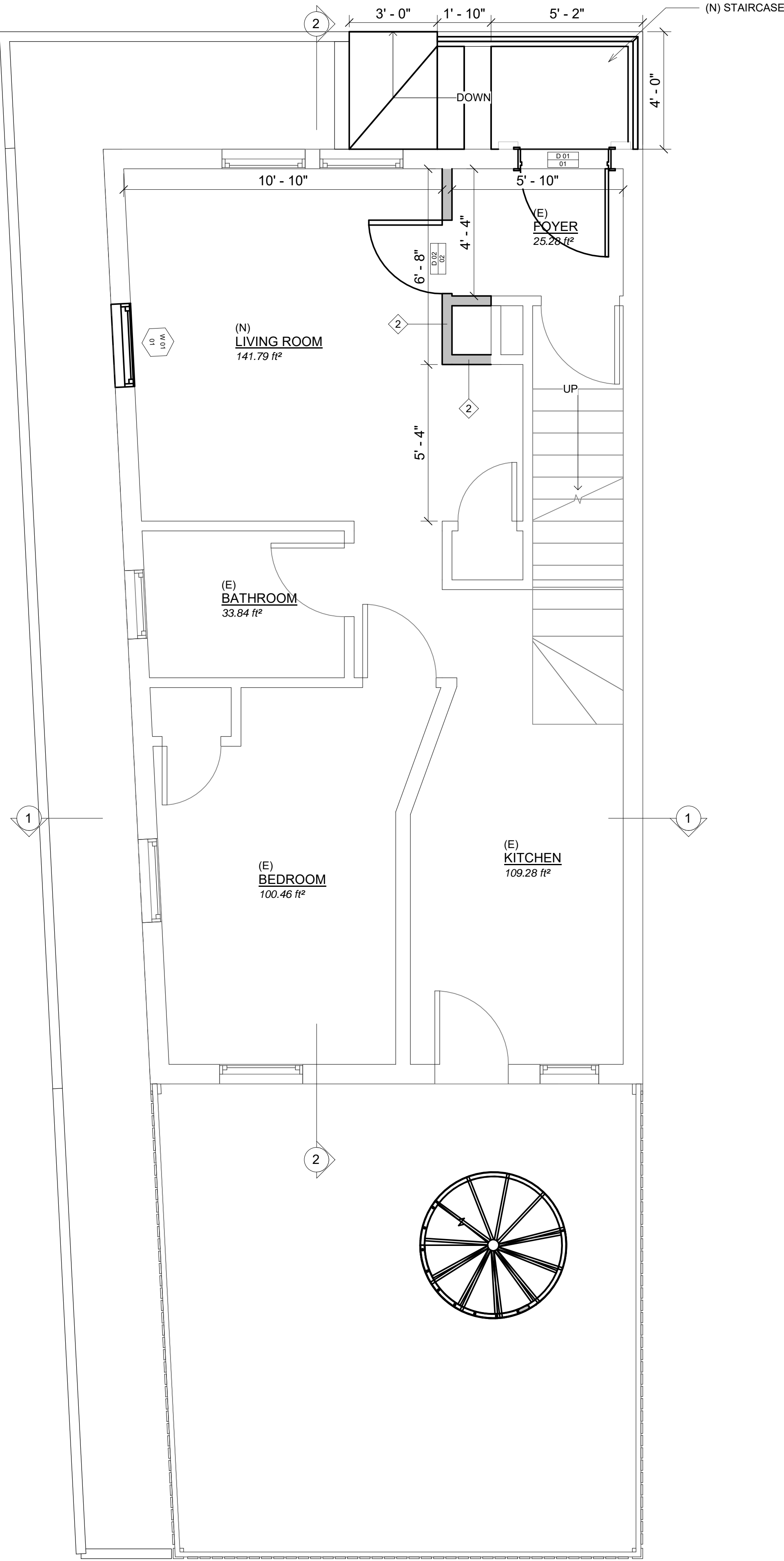
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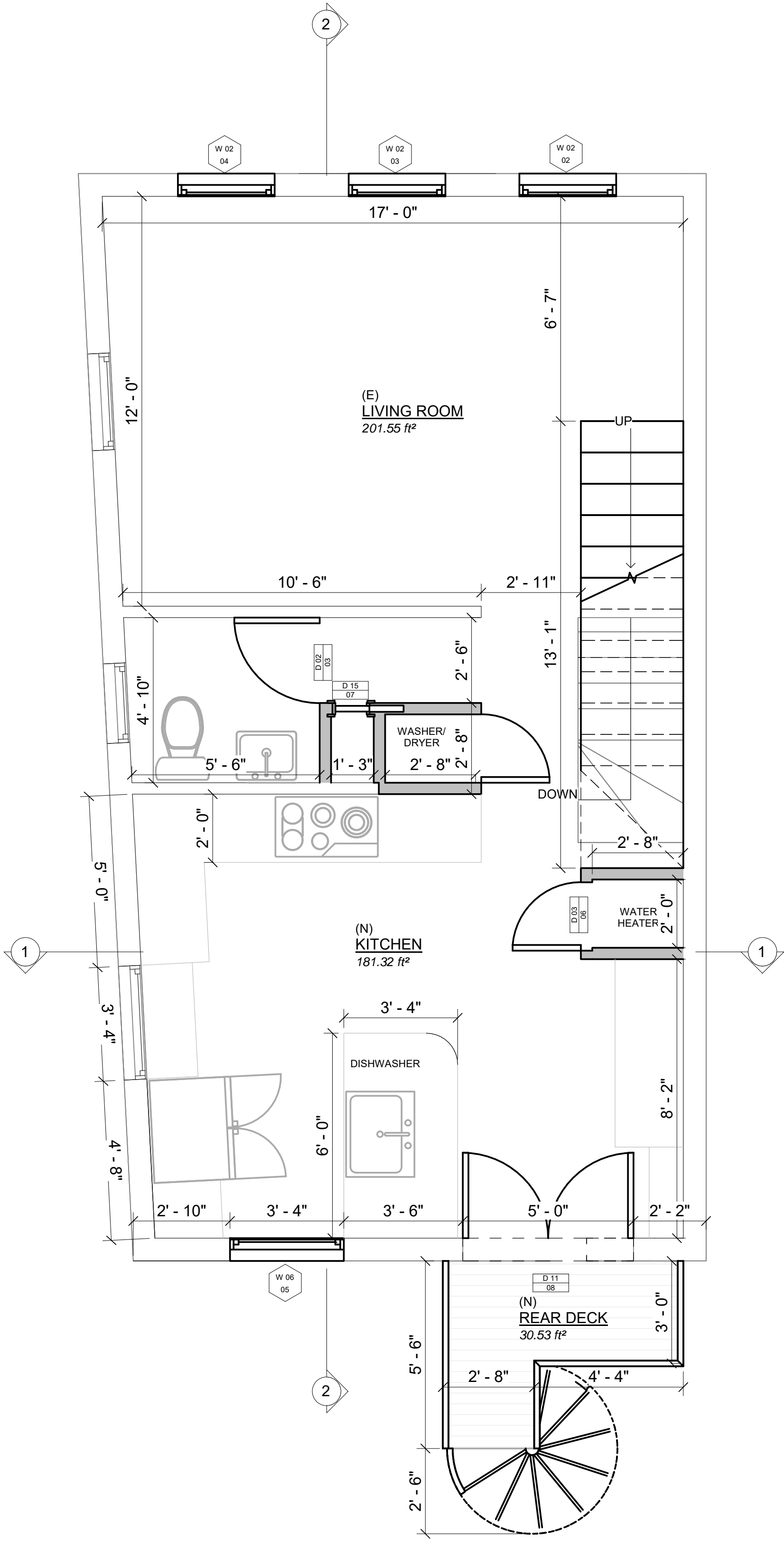


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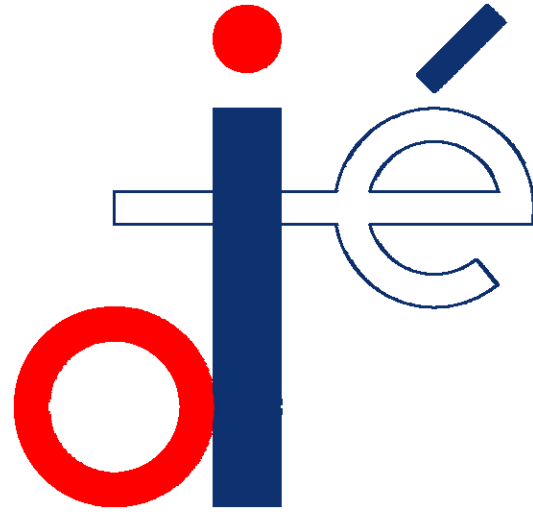
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PP01 - PROPOSED FIRST FLOOR PLAN  
3/8" = 1'-0"



PP02 - PROPOSED SECOND FLOOR PLAN  
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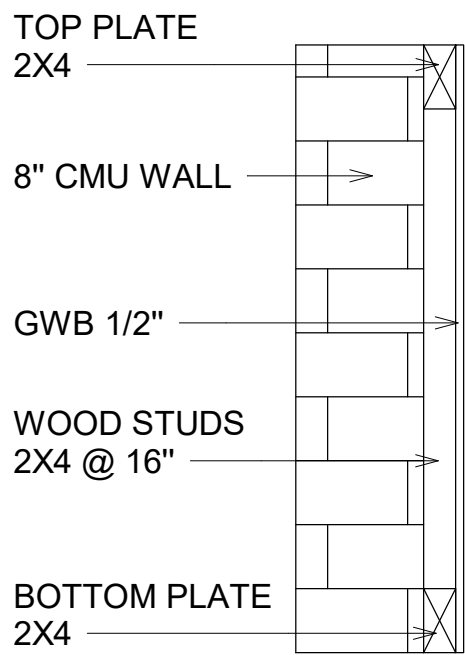
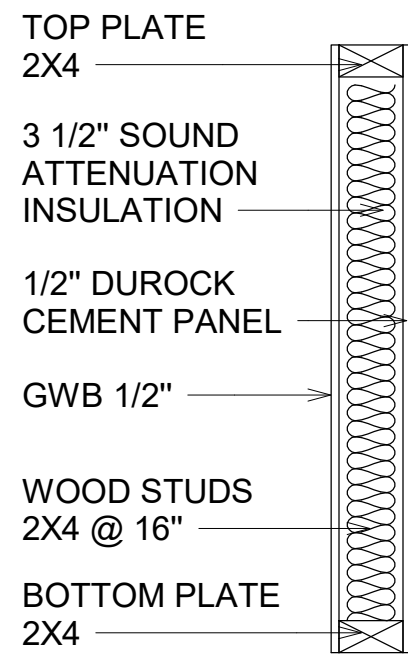
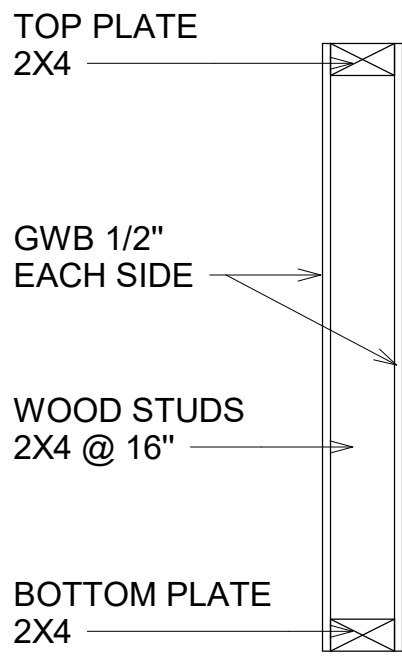
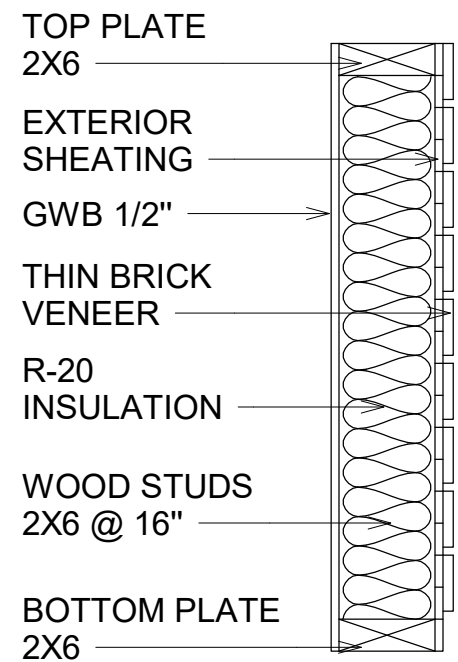
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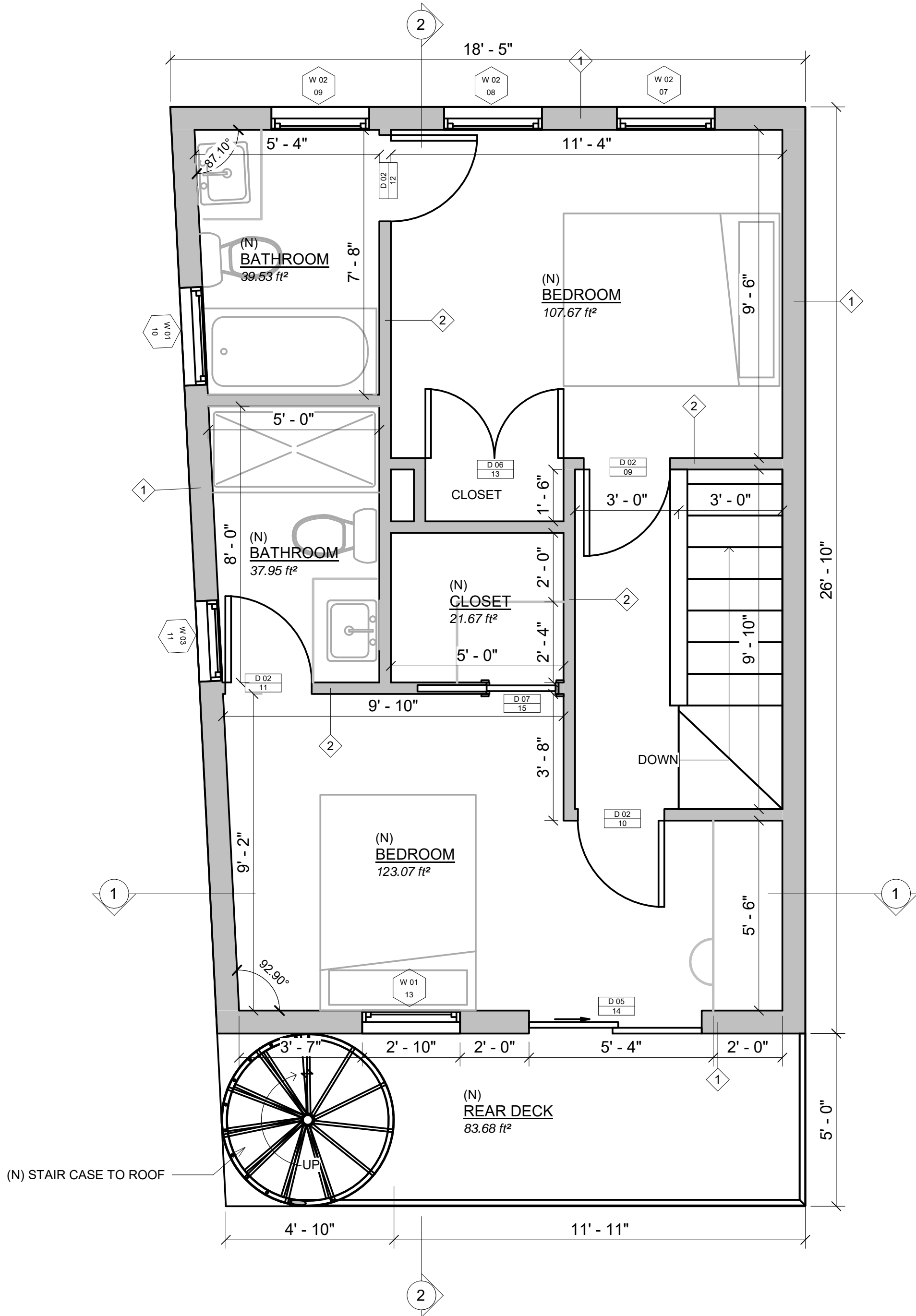
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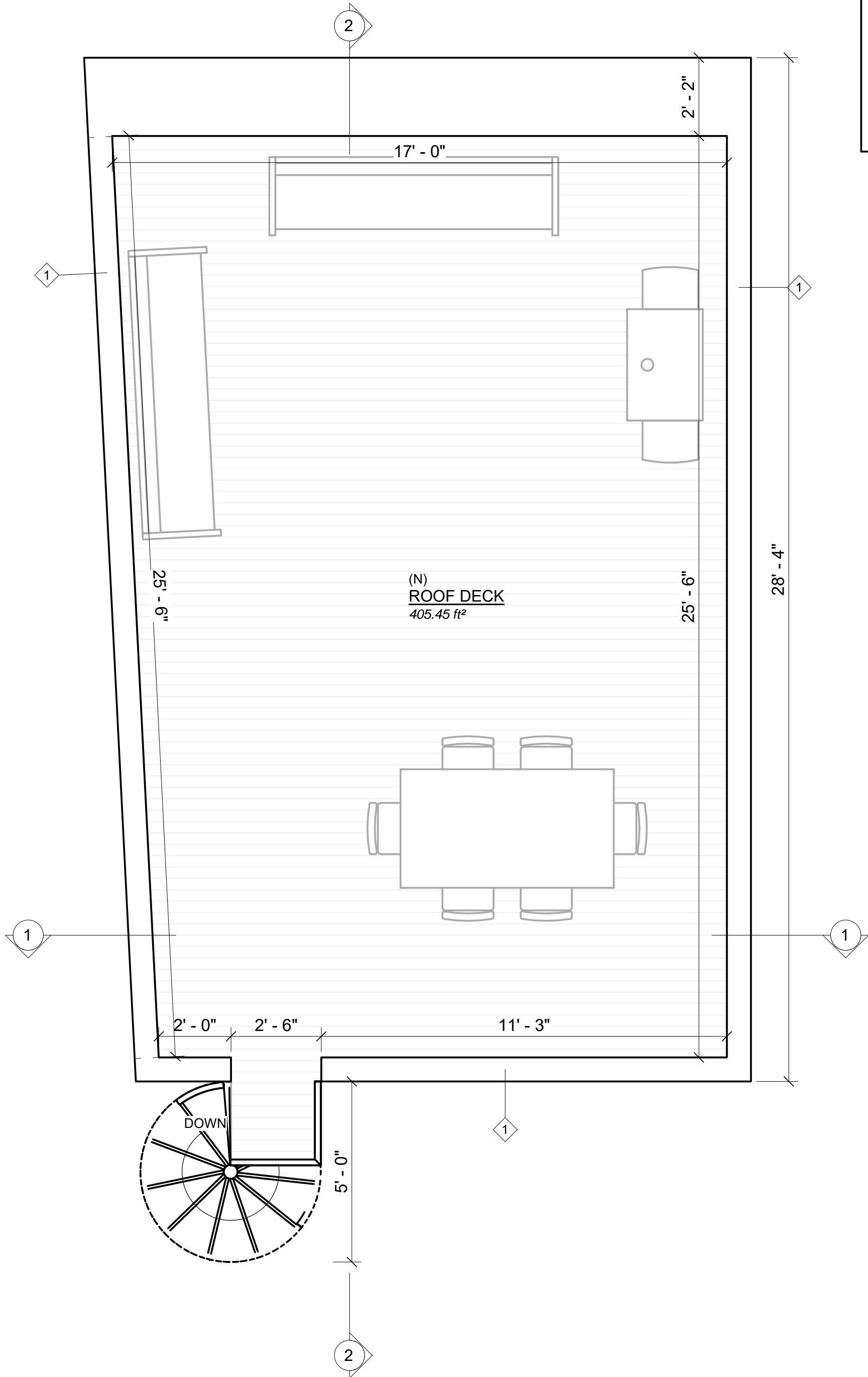


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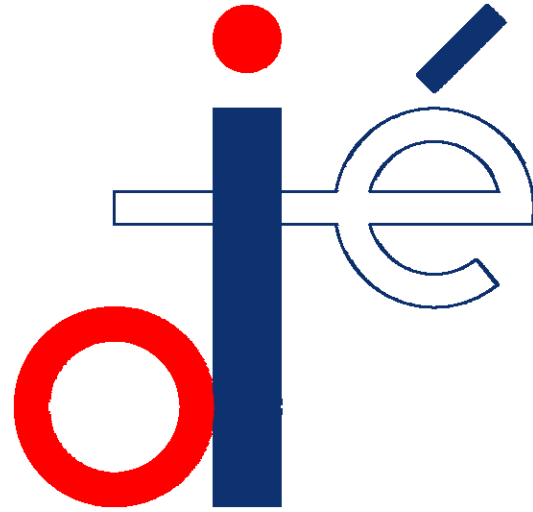
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1 PP03 - PROPOSED THIRD FLOOR PLAN  
3/8" = 1'-0"



2 PP04 - PROPOSED ROOF DECK PLAN  
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# General Requirements of Subtitle X § 901.2

Criteria	Project
1) "Granting relief will be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Maps."	<ul style="list-style-type: none"><li>• The special exception simply permits a minimal increase in lot occupancy, within the permitted 70% for obtaining special exception, and allows the applicant to increase the building by one story, that is still below the permitted height limitations for the zone.</li><li>• The existing permitted density on the lot will not change given that the accessory apartment is replacing a separate second principal dwelling unit.</li></ul>
2) "Granting relief will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps."	<ul style="list-style-type: none"><li>• The proposal simply replaces an existing deck and the overall increase in lot occupancy is equivalent to only 1.73 feet. The third story addition is only 1.3% over the permitted 60% lot occupancy in the zone and occupies less of a footprint than the existing Building.</li><li>• The existing permitted density on the lot will not change given that the accessory apartment is replacing a separate second principal dwelling unit and the Applicant has the support of the ANC and directly adjacent neighbors.</li></ul>

Specific Requirements of U § 253	Project
<b><u>U-253.5:</u></b> Either the principal dwelling or accessory apartment unit shall be owner occupied for the duration of the accessory apartment use.	The principal dwelling unit shall be owner-occupied for the duration of the accessory apartment use.
<b><u>U- 253.6:</u></b> The total number of persons that may occupy the accessory apartment shall not exceed three (3), except in the R-19 or R-20 zone where the aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6).	The total number of persons that may occupy the accessory apartment shall not exceed six persons, including the principal dwelling and accessory apartment combined.
<b><u>U-253.7:</u></b> An accessory apartment located in the principal dwelling shall be subject to the following conditions: <b>(a)</b> The house shall have a minimum of [1,200 sq. ft. of] gross floor area, exclusive of garage space;	The house will have over 1,600 square feet of gross floor area, meeting the minimum 1,200 sq. ft. area requirement.
<b>(b)</b> The accessory apartment unit may not occupy more than thirty-five percent (35%) of the gross floor area of the house;	The accessory apartment is approximately 560 sq. ft. in GFA, occupying no more than thirty-five percent (35%) of the gross floor area of the house.
<b>(c)</b> Except as provided in Subtitle U § 253.7(d), if an additional entrance is created to a house it shall not be located on a wall of the house that faces a street; and	No additional entrances are being created.
<b>(d)</b> An additional entrance to a house in an R-3, R-13, R-17, or R-20 zone may be located on a wall of the house that faces a street provided it is below the main level of the house and if in a historic district, a determination by the appropriate body that the additional door is compatible with the character of the historic district	No additional entrances are being created, nor is the house in a historic district.

Specific Requirements of D § 5201.4	Project
<p><b><u>5201.4:</u></b> An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:</p> <p><b>(a)</b>The light and air available to neighboring properties shall not be unduly affected;</p>	<p>The construction of the deck shall not impact the light and air available to neighboring properties. The deck will replace an existing landing and set of stairs which already abuts the only adjoining neighbor to the south and the increase in lot occupancy is negligible.</p>
<p><b>(b)</b>The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;</p>	<p>The deck and stairs shall not unduly compromise the privacy of use and enjoyment of neighboring properties as it simply replaces the existing deck and stairs which have existed in the same location for many years.</p>
<p><b>(c)</b>The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage;</p>	<p>The deck is replacing an existing landing and the stairs in the same location. The third story will occupy less of the lot than even the existing two stories below and would otherwise be permitted via minor deviation. The Subject Property is a corner property and the two properties to the south have already constructed third story additions. The Applicant is proposing to construct substantially similar additions to make the three buildings—which were constructed together originally— similar in appearance and scale. Accordingly, the proposed Addition as viewed from the street and alley shall not substantially visually intrude upon the character scale and pattern of houses along the street or alley</p>



Questions?